

RESOLUTION NO. 79-2008

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON
DECLARING THE NEED TO ACQUIRE PROPERTY ON LOGUS ROAD FOR
SIDEWALK AND UTILITY RIGHT-OF-WAY AND APPROVING THE PURCHASE
AND/OR CONDEMNATION OF SELECT PROPERTIES ON LOGUS ROAD IN
FULFILLMENT OF THE LOGUS ROAD IMPROVEMENT PROJECT.**

WHEREAS, the City by Resolutions 15-08, 32-08, and 34-08, has authorized contracts for the completion of the Logus Road Improvement Project ("Project") for the purpose of providing sidewalks in support of pedestrian safety in the vicinity of Seth Lewelling Elementary School; and

WHEREAS, in order to complete the project the City must acquire sidewalk and utility rights-of-way from the owners of multiple properties in the Project location; and

WHEREAS, the City of Milwaukie has the authority to acquire property including rights-of-way under Charter Section 4; and

WHEREAS, the City has authority to acquire property including rights-of-way by condemnation under ORS 223.001 -.110;

WHEREAS, the combined value of the rights-of-ways to be purchased will total more than \$25,000.00; and

WHEREAS, Milwaukie Municipal code section 3.15.030 requires that a purchase of real property valued at more than \$25,000 requires the "approval of the City Council"; and

WHEREAS, one or more of the needed rights-of-way on Logus Road may not be available to acquire except by condemnation;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie that:

Section 1: The acquisitions of rights-of-way over the properties listed in the attached Exhibit A are needed for the Logus Road Improvement Project.

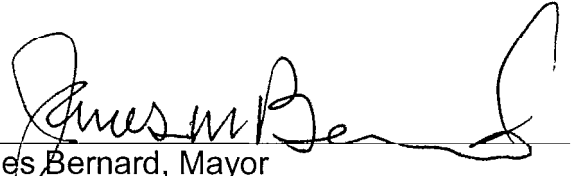
Section 2: Pursuant to Milwaukie Municipal Code Section 3.15.030 and ORS 223.001-.110, the City council approves the purchase and/or condemnation of the right-of-way over the real properties identified in Exhibit A, and authorizes the City Manager to take all action necessary, including execution of all necessary documents, to complete said purchases or condemnation.

Section 3: Upon the trial of any suit or action instituted under the provisions of Section 2 above, the right-of-way agent's legal counsel, after consultation with City staff,

is authorized to make any stipulation, agreement or admission that in the counsel's judgment may be for the best interests of the Project and the City of Milwaukie.

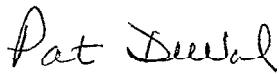
Introduced and adopted by the City Council on 08/19/08

This resolution is effective on 08/19/08


James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC


Pat DuVal, City Recorder

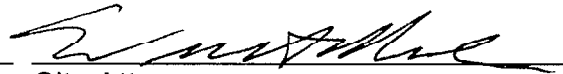

City Attorney

EXHIBIT A

PROPERTY OVER WHICH RIGHTS-OF-WAY ARE NECESSARY TO ACQUIRE TO
COMPLETE THE LOGUS ROAD IMPROVEMENT PROJECT

SITUS	TLNO20	TAXPAYER
10001 STANLEY (NO SITUS)	12E30DC00101	DURONSLET
10001 SE STANLEY AVE	12E30DC00102	DURONSLET
10049 STANLEY (NO SITUS)	12E30DC00100	ROMANIAN BAP.
4940 SE LOGUS RD	12E30CD01400	ROSEN
4960 SE LOGUS RD	12E30CD00100	WILSHIRE
4972 (4952) SE LOGUS RD	12E30CD01300	JARMER
5044 SE LOGUS RD	12E30CD01100	BABBITT
5151 SE LOGUS RD	12E30DB07400	PISANO
5206 SE LOGUS RD	12E30DC01800	HAUGEN
5230 SE LOGUS RD	12E30DC01700	WILSON
5301 SE LOGUS RD	12E30DB06500	MACGREGOR
5302 SE LOGUS RD	12E30DC01500	BARKER
5314 SE LOGUS RD	12E30DC01400	CLARK
5420 SE LOGUS RD	12E30DC01100	CAMPBELL
5556 SE LOGUS RD	12E30DC00900	WYMAN
5611 SE LOGUS RD	12E30DB06400	SMITH
5620 SE LOGUS RD	12E30DC00800	EARLS
5626 SE LOGUS RD	12E30DC00700	KNUTSON
5630 SE LOGUS RD	12E30DC00600	MICHEL